

UNITED STATES DISTRICT COURT

Southern District of New York

HUGH JOHN TULLY and PENELOPE CAROL TULLY,  
on Behalf of Themselves and All Others  
Similarly Situated,

V.

THE CHARLES SCHWAB CORPORATION,  
SCHWAB INVESTMENTS, CHARLES  
SCHWAB & CO. INC., CHARLES  
SCHWAB INVESTMENT MANAGEMENT,  
INC., CHARLES R. SCHWAB, EVELYN  
DILSAVER, RANDALL W. MERK, and  
GEORGE PEREIRA

SUMMONS IN A CIVIL ACTION

CASE NUMBER 08 CV 3652

JUDGE JONES

TO: (Name and address of Defendant)

THE CHARLES SCHWAB CORPORATION, SCHWAB INVESTMENTS, CHARLES SCHWAB & CO.  
INC., CHARLES SCHWAB INVESTMENT MANAGEMENT, INC., CHARLES R. SCHWAB,  
EVELYN DILSAVER, RANDALL W. MERK, and GEORGE PEREIRA  
101 Montgomery Street,  
San Francisco, CA 94104

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Daniel W. Krasner, Robert B. Weintraub  
WOLF HALDENSTEIN ADLER FREEMAN & HERZ LLP  
270 Madison Avenue  
New York, New York 10016

an answer to the complaint which is served on you with this summons, within thirty (30) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

APR 16 2008

CLERK

DATE

(By) DEPUTY CLERK

# RETURN OF SERVICE

Service of the Summons and complaint was made by me <sup>(1)</sup> DATE 4/18/08  
NAME OF SERVER (PRINT) Robert B. Weintraub TITLE Of Counsel, Wolf Halderstein  
Check one box below to indicate appropriate method of service for plaintiffs.

- ☒ Served personally upon the defendant. Place where served: Pursuant to written agreement with Morrison & Foerster  
☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left:  
☐ Returned unexecuted:  
☐ Other (specify):

## STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
		<u>—</u>

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 4/28/08 Date Robert B. Weintraub Signature of Server  
Wolf Halderstein for plaintiffs  
270 Madison Ave NY 10017 Address of Server

(by Stuart C. Plunkett, Esq., Counsel for all defendants other than Schwab Investments, service was effected by e-mail and constituted good service as of April 18, 2008. See attached email from defendants' counsel. Robert B. Weintraub 4/28/08  
KOP:WJ  
JIM:J

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.